

Eggers, Tiffany (USATXN)

From: Wirmani, Andrew (USATXN)
Sent: Tuesday, July 14, 2020 4:03 PM
To: Meacham, Chad (USATXN); Eggers, Tiffany (USATXN)
Subject: Fwd: Hearing

Begin forwarded message:

From: "Lowell, Abbe" <ADLowell@winston.com>
Date: July 14, 2020 at 3:51:52 PM CDT
To: Mervin Wright <Mervin_Wright@txnd.uscourts.gov>
Cc: "Wirmani, Andrew (USATXN)" <awirmani@usa.doj.gov>
Subject: Hearing

Mr. Wright,

Would you please forward this to Judge Toliver. Thank you.

Judge Toliver,

On Thursday, July 9, the U.S. Attorney filed a motion to consider Mr. Hamilton's conditions of release. We responded the next day on July 10. Judge Lynn referred the motion to Your Honor, and Mr. Wright wrote inquiring about a schedule for a hearing. When he suggested Friday, July 17, 2020, I had assumed the hearing could be by telephone or video conference. I raised two issues: the first was my being in transit by car to New York that day with my family and the much more important concern was the health issues now existing in Dallas and especially in closed spaces like courtrooms.

As our filing indicated, the issue the USAO raises occurred six months prior to their making any filing and they point to no other issues since. Our filing indicated that, whatever else, given the circumstances of the changed charges and continuance in December, we were not even sure Mr. Hamilton knew that one particular person was on an email the USAO sent to me adding the names of additional witnesses when he contacted that person. Even still, the USAO, at the end of their motion states: "... at very least, [the Court should] admonish the defendant and modify those conditions to make abundantly clear that he is precluded from inappropriately contacting potential witnesses for any reason whatsoever in the future."

While we do not believe an admonishment is warranted, we have no objection to the suggestion of clarification. Mr. Hamilton now has the list of all potential witnesses and counsel is making any requests for calls or meetings.

In status conferences with Judge Lynn and in a motion she directed we make seeking a continuance (Dkt. 223) because of what was then a serious (450+ a day spike in COVID-19 cases), we pointed out that Mr. Hamilton is in a number of at-risk categories. We included in our motion two letters from doctors. For those same reasons and because the situation has significantly worsened since the motion

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was made (now over 1000 cases a day and roll-backs in openings and required masks, etc.), we are asking that any hearing that is needed occur by a means other than one in person. I know courts have been doing this throughout the country, and I have had 5 or 6 such hearings in the last few months, including a substantive motions hearing and two status calls with Judge Lynn in this case.

I am Mr. Hamilton's lead counsel and, while I could ask someone else in Dallas to attend any in-person hearing, that would be somewhat unfair to Mr. Hamilton (and my substitute) as I am the person most familiar with the circumstances and history of this case.

Consequently, I am asking the Court to consider the request that we proceed virtually and address any issues the Court might continue to have in that manner.

Respectfully,

Abbe D. Lowell

Abbe David Lowell

Partner

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From: Mervin Wright <Mervin_Wright@txnd.uscourts.gov>
Sent: Friday, July 10, 2020 12:01 PM
To: Lowell, Abbe <ADLowell@winston.com>
Subject: Ruel Hamilton

Give me a call please regarding Ruel Hamilton.



Mervin F. Wright
Courtroom Deputy to the Honorable Magistrate Judge Renee
Toliver
United States District Court
Northern District of Texas
214-753-2169

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